

**STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION**

ORDER NO. R4-2008-XXXX

**WASTE DISCHARGE REQUIREMENTS
FOR
PORT OF LOS ANGELES
(BERTH 156 DREDGING)
(FILE NO. 08-134)**

The California Regional Water Quality Control Board, Los Angeles Region (Regional Board) finds:

1. The Port of Los Angeles (POLA) has filed an application for Waste Discharge Requirements for dredging operations at Berth 156 in Los Angeles Harbor, Los Angeles County (Figure 1).
2. POLA proposes to redevelop Berth 156 as a mooring facility for Catalina Freight barges (the operation will be relocated from Berth 184). The site currently consists of a rip-rap armored shoreline with paved upland area to the west. The proposed project includes construction of a new bulkhead wall and mooring dolphins (Figure 2). Construction of these structures will follow excavation of areas that are currently upland (above the +4.8 feet mean lower low water elevation), and new dredging of the existing harbor bottom.
3. POLA proposes to remove the existing rip-rap on the slope from elevation +12.0 feet to -14.0 feet (rip-rap will be reused on new slope), dredge approximately 2,700 cubic yards of sediments, remove and dispose of approximately 56 timber pile stubs, remove and dispose of approximately 190 lineal feet of existing timber bulkhead, construct approximately 190 feet of steel and sheet pile bulkhead wall, construct an approximately 3.5 foot x 4.33 foot x 190 foot reinforced concrete pile cap on top of the bulkhead wall, construct approximately 55 feet of transverse sheet wall, construct approximately 76 feet x 7.5 feet x 6 feet thick reinforced concrete ramp and four 4 foot x 4 foot anchor blocks landside of the bulkhead wall, place approximately 270 cubic yards of salvaged rip-rap on the new slope, construct 4 mooring dolphins (each consisting of a group of 5 concrete piles connected with a concrete cap), and grade and pave the area adjacent to the new ramp. The 2,700 cubic yards of dredged material will be disposed of at the Anchorage Road Soil Storage Site within the port (Figure 3).

October 2, 2008

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4. The Anchorage Road Soil Storage Site has been used as a disposal site for dredged material from several POLA projects in the past several years. The site is bermed and storage cell areas are designed in a manner which retains dredged material on the site and prevents runoff of sediment and contaminants into adjacent harbor waters.
5. In 2007, Berth 156 sediments were sampled from two offshore sites (Figure 4); these sites are outside of the proposed dredging footprint, since hard bottom substrate was present from the shoreline throughout the actual area to be dredged, which could not be adequately sampled. Additional samples were collected from onshore (within the dredging footprint, but currently under shoreline armoring) using an upland soil sampling technique (Figure 4).

Grain size analyses from the two offshore sediment sites indicated that the material is comprised of predominantly medium sands and silts, with 18.1 percent gravel, 40.2 percent sand, 38.9 percent silt and 2.8 percent clay. Offshore sediments exceeded the concentrations likely to cause toxicity (Effects Range-Medium) to marine organisms for mercury, total DDTs and total PCBs (Table 1). Offshore sediments exceeded the concentrations which possibly could cause toxicity (Effects Range-Low) to marine organisms for polynuclear aromatic hydrocarbons (PAHs), arsenic, chromium, copper, lead, mercury, nickel and zinc (Table 1). Onshore upland sediments only exceeded the possible toxicity thresholds for arsenic and mercury (Table 1).

6. The United States Corps of Engineers (COE) has issued provisional permit 2008-00-544 for the Berth 156 dredging project. A final permit is expected to be issued after the COE receives the final Waste Discharge Requirements adopted by the Los Angeles Regional Water Quality Control Board.
7. On March 12, 2008, the Los Angeles Board of Harbor Commissioners determined that the Berth 156 dredging project is exempt from the requirements of the California Environmental Quality Act in accordance with Article III, Class I (24) and I (14).

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Table 2.
Sediment Characteristics (2007) – Berth 156

Parameter	Offshore sediments	Onshore upland sediments	Sediment screening thresholds
Silver	0.421 ppm	Not detected	ERL = 1 ppm ERM = 3.7 ppm
Arsenic	23.6 ppm	4.3 ppm	ERL = 8.2 ppm ERM = 70 ppm
Cadmium	1.15 ppm	Not detected	ERL = 1.2 ppm ERM = 9.6 ppm
Chromium	91.2 ppm	14.7 ppm	ERL = 81 ppm ERM = 370 ppm
Copper	129 ppm	95.2 ppm	ERL = 8.2 ppm ERM = 70 ppm
Mercury	2.13 ppm	0.187 ppm	ERL = 0.15 ppm ERM = 0.71 ppm
Nickel	28.2 ppm	11.7 ppm	ERL = 20.9 ppm ERM = 51.6 ppm
Lead	134 ppm	3.47 ppm	ERL = 46.7 ppm ERM = 218 ppm
Selenium	2.25 ppm	0.743 ppm	Not available
Zinc	234 ppm	41.3 ppm	ERL = 150 ppm ERM = 410 ppm
Total DDT	126 ppb	Not detected	ERL = 1.58 ppb ERM = 46.1 ppb
Total PCB	230 ppb	Not detected	ERL = 22.7 ppb ERM = 180 ppb
Total PAH	8,820 ppb	Not detected	ERL = 4022 ppb ERM = 44792 ppb

ppm = parts per million; ppb = parts per billion; DDT = dichloro-diphenyl-trichloroethane; PCB = polychlorinated biphenyls; PAH = polynuclear aromatic hydrocarbons

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8. The Regional Board adopted a revised Water Quality Control Plan for the Coastal Watersheds of Los Angeles and Ventura Counties on June 13, 1994. The Water Quality Control Plan contains water quality objectives for Los Angeles-Long Beach Harbor. The requirements contained in this Order as they are met will be in conformance with the goals of the Water Quality Control Plan.
9. The beneficial uses of Los Angeles-Long Beach Harbor (All Other Inner Areas) are: industrial process supply, navigation, water contact recreation (potential), non-contact water recreation, commercial and sport fishing, marine habitat, shellfish harvesting (potential), and preservation of rare, threatened or endangered species (one or more species utilize waters or wetlands for foraging and/or nesting).
10. With proper management of the dredging and disposal operations, the project is not expected to release significant levels of contaminants to the Harbor waters or other State waters nor adversely impact beneficial uses.
11. Dredging and disposal operations will be accomplished through the use of temporary equipment. The Waste Discharge Requirements imposed below will not result in any significant increase in energy consumption.

The Regional Board has notified the Port of Los Angeles and interested agencies and persons of its intent to prescribe Waste Discharge Requirements for this discharge and has provided them with an opportunity to submit their written views and recommendations.

The Regional Board, in a public meeting, heard and considered all comments pertaining to the discharge and to the tentative requirements.

IT IS HEREBY ORDERED that the Port of Los Angeles, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, and the provisions of the Clean Water Act as amended, and regulations and guidelines adopted thereunder, shall comply with the following:

A. Discharge Requirements

1. The removal and placement of dredged/excavated material shall be managed such that the concentrations of toxic pollutants in the water column, sediments or biota shall not adversely affect beneficial uses.
2. Enclosed bay and estuarine communities and populations, including vertebrate, invertebrate and plant species, shall not be degraded as a result of the discharge of waste.

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3. The natural taste and odor of fish, shellfish or other enclosed bay and estuarine resources used for human consumption shall not be impaired as a result of the discharge of waste.
4. Toxic pollutants shall not be discharged at levels that will bioaccumulate in aquatic resources to levels which are harmful to human health.
5. There shall be no acute toxicity or chronic toxicity in ambient waters as a result of the discharge of waste.
6. Dredging, excavation or disposal of dredge spoils shall not cause any of the following conditions in the receiving waters:
 - a. The formation of sludge banks or deposits of waste origin that would adversely affect the composition of the bottom fauna and flora, interfere with the fish propagation or deleteriously affect their habitat, or adversely change the physical or chemical nature of the bottom.
 - b. Turbidity that would cause substantial visible contrast with the natural appearance of the water outside the immediate area of operation.
 - c. Discoloration outside the immediate area of operation.
 - d. Visible material, including oil and grease, either floating on or suspended in the water or deposited on beaches, shores, or channel structures outside the immediate area of operation.
 - e. Objectionable odors emanating from the water surface.
 - f. Depression of dissolved oxygen concentrations below 5.0 mg/l at any time outside the immediate area of operation.
 - g. Any condition of pollution or nuisance.

B. Provisions

1. The Discharge Requirements specified above are valid only for dredging of a maximum of 2,700 cubic yards of sediment and soil, disposal of the dredged material at the Anchorage Road Soil Storage Site, and the removal and construction operations described in finding 3 above.

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2. POLA shall notify the Regional Board immediately by telephone of any adverse conditions in receiving waters or adjacent areas resulting from the removal of dredge materials or disposal operations; written confirmation shall follow within one week.
3. A copy of this Order shall be made available at all times to project construction personnel.
4. POLA shall provide the following information to the Regional Board:
 - a. A copy of the final permit issued by the United States Corps of Engineers for the dredge and disposal operations.
 - b. The scheduled date of commencement of each dredging and disposal operation at least one week prior to initiation of dredging.
 - c. Notice of termination of dredging and disposal operations, within one week following the termination date.
5. POLA shall submit, under penalty of perjury, technical reports to the Regional Board in accordance with specifications prepared by the Executive Officer.
6. In accordance with section 13260(c) of the Water Code, POLA shall file a report of any material change or proposed change in the character, location, or volume of the waste.
7. These requirements do not exempt POLA from compliance with any other laws, regulations, or ordinances which may be applicable: they do not legalize this waste discharge, and they leave unaffected any further restraint on the disposal of wastes at this site which may be contained in other statutes or required by other agencies.
8. In accordance with Water Code section 13263(g), these requirements shall not create a vested right to continue to discharge and are subject to rescission or modification. All discharges of waste into waters of the State are privileges, not rights.
9. This Order includes Attachment N: "Standard Provisions, General Monitoring and Reporting Requirements" ("Standard Provisions") and the attached Monitoring and Reporting Requirements, both of which are incorporated herein by reference. If there is any conflict between provisions

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stated hereinbefore and said "Standard Provisions", those provisions stated hereinbefore prevail. If there is any conflict between requirements stated in the attached Monitoring and Reporting Program and said "Standard Provisions", the former shall prevail.

10. This Order fulfills the requirements for a Clean Water Act Section 401 Water Quality Certification for the proposed project. Pursuant to section 3860 of title 23 of the California Code of Regulations (23 CCR), the following three standard conditions shall apply to this project:
 - a. this certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to section 13330 of the California Water Code and Article 6 (commencing with 23 CCR section 3867);
 - b. this certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to 23 CCR subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought;
 - c. this certification is conditioned upon total payment of any fee required pursuant to 23 CCR division 3, chapter 28, and owed by the applicant.
11. This Order shall expire on December 31, 2010.

I, Tracy J. Egoscue, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Los Angeles Region, on December 11, 2008.

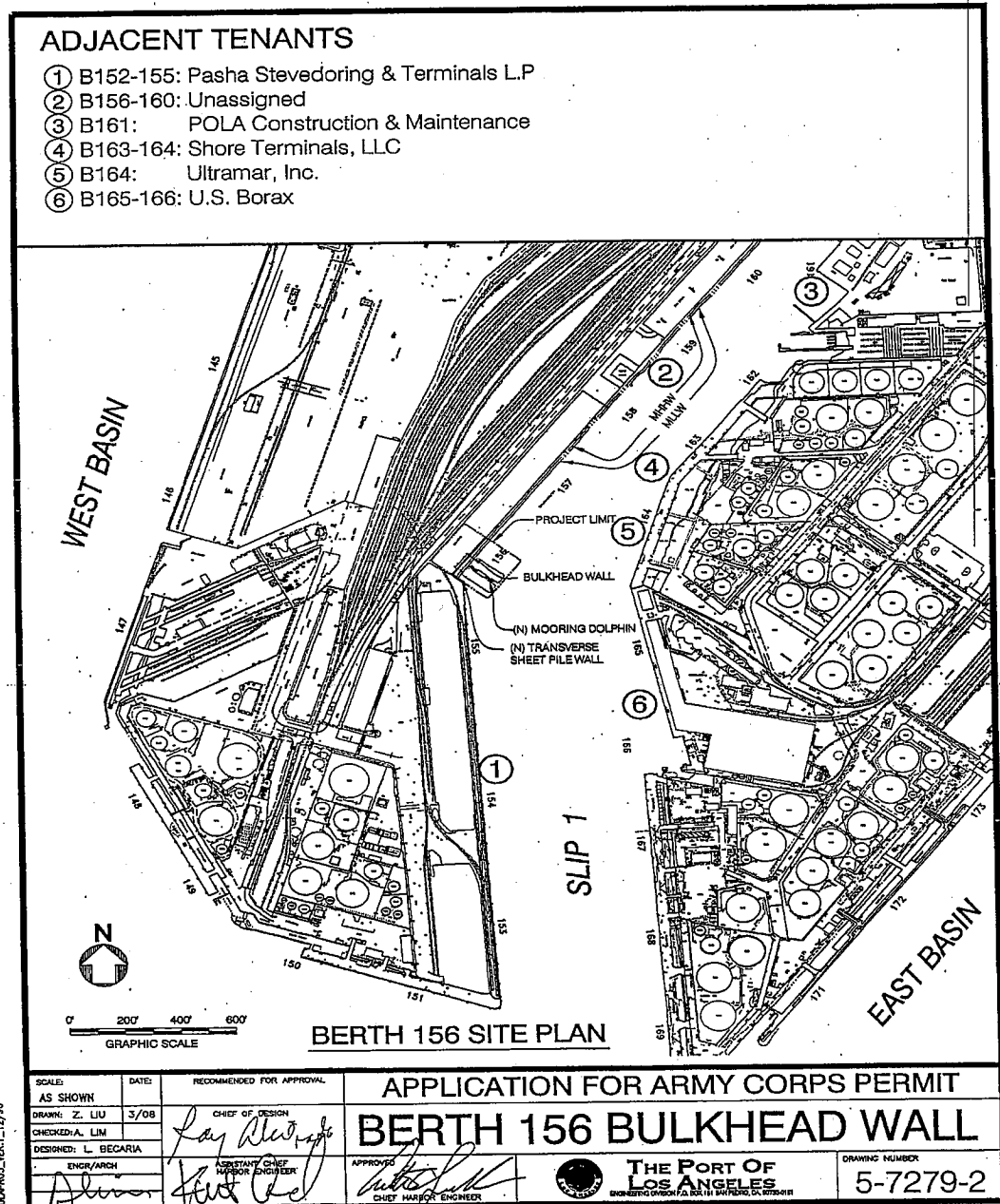
TRACY J. EGOSCUE
Executive Officer

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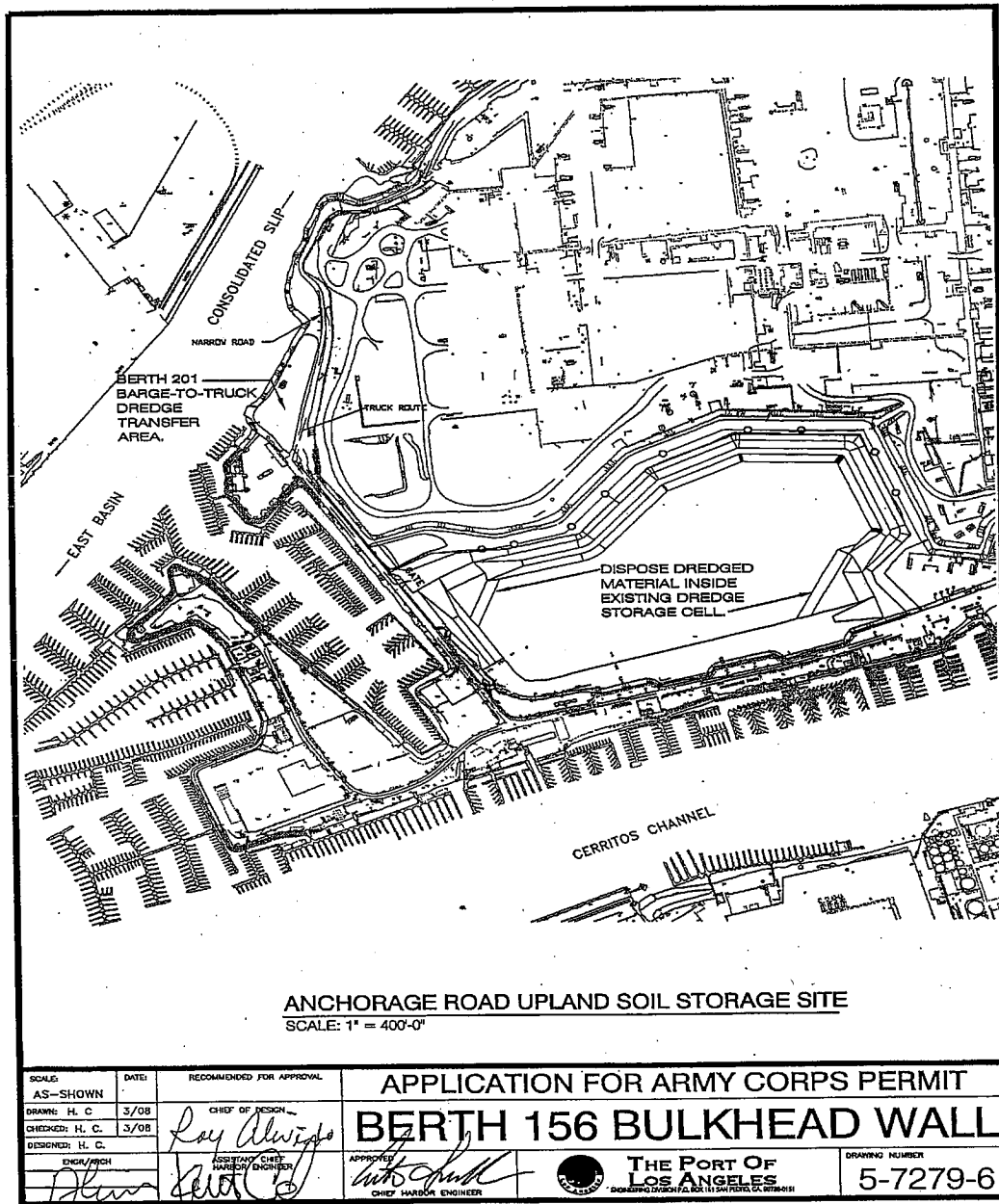


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Figure 2. Location of Berth 156 Dredging Project.



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Figure 3. Location of disposal site (Anchorage Road Soil Storage Site).



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STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION

MONITORING AND REPORTING PROGRAM NO. xxxx
FOR
PORT OF LOS ANGELES
(BERTH 156 DREDGING PROJECT)
(FILE NO. 08-134)

1. Receiving Water Monitoring

The following sampling protocol shall be undertaken by the Port of Los Angeles (POLA) during the proposed dredging project. Sampling for the receiving water monitoring shall commence at least one week prior to the start of the dredging and fill operations and continue at least one week following the completion of all such operations. Sampling shall be conducted a minimum of once a week during dredging operations. Sampling shall be conducted down current of the dredge sites at least one hour after the start of dredging operations. All receiving water monitoring data shall be obtained via grab samples or remote electronic detection equipment. Receiving water samples shall be taken at the following stations:

<u>Station</u>	<u>Description</u>
A	30.5 meters (100 feet) up current of the dredging operations, safety permitting.
B	30.5 meters (100 feet) down current of the dredging operations, safety permitting.
C	91.5 meters (300 feet) down current of the dredging operations.
D	Control site (area not affected by dredging operations).

The following shall constitute the receiving water monitoring program:

Water Column Monitoring

<u>Parameters</u>	<u>Units</u>	<u>Station</u>	<u>Frequency</u>
Dissolved oxygen ¹	mg/l	A-D	Weekly ²
Light transmittance ¹	% Transmittance	" "	"
pH ¹	pH units	" "	"
Suspended solids ³	mg/l	" "	"

¹Measurements shall be taken throughout the water column (at a minimum, at 2-meter increments).

²During the first two weeks of dredging, stations shall be sampled two times per week.

³Mid-depth shall be sampled.

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Water column light transmittance values from Stations C and D shall be compared for the near surface (1 meter below the surface), for mid-water (averaged values throughout the water column, excluding the near surface and bottom) and for the bottom (1 meter above the bottom). If the difference in % light transmittance between stations C and D for the near surface or mid-water or bottom is 30% or greater, water samples shall be collected at mid-depth (or the depth at which the maximum turbidity occurs) and analyzed for trace metals, DDTs, PCBs and PAHs. At a minimum, one set of water samples shall be collected and analyzed for these chemical constituents during the maintenance dredging operation.

In the event that the water column light transmittance values from Stations C and D exceed the 30% trigger described above, POLA shall conduct the standard water quality monitoring described above for three consecutive days following the date of exceedance. POLA shall notify the Regional Board, the California Coastal Commission, the United States Environmental Protection Agency and the United States Army Corps of Engineers within 24 hours following observance of the transmissivity exceedance. POLA shall investigate whether the exceedance is due to obvious dredging operational problems and can be corrected easily and quickly. However, if the turbidity problem persists or recurs, the POLA shall look for other causes of the problem and evaluate whether additional, more aggressive best management practices are required to eliminate the exceedances; this evaluation shall be performed in consultation with the four regulatory agencies listed above.

Color photographs shall be taken at the time of sampling to record the presence and extent of visible effects of dredging operations. These photographs shall be submitted with the receiving water monitoring reports.

POLA shall provide Regional Board staff with a receiving water monitoring program field schedule at least one week prior to initiating the program. Regional Board staff shall be notified of any changes in the field schedule at least 48 hours in advance.

2. Observations

The following receiving water observations shall be made and logged daily during dredging or excavating operations:

- a. Date and time;
- b. Direction and estimated speed of currents;
- c. General weather conditions and wind velocity;
- d. Tide stage;
- e. Appearance of trash, floatable material, grease, oil or oily slick, or other objectionable materials;
- f. Discoloration and/or turbidity;
- g. Odors;

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- h. Depth of dredge operations during previous day;
- i. Amount of material dredged the previous day;
- j. Cumulative total amount of material dredged to date.

3. General Provisions

All sampling, sample preservation, and analyses shall be performed in accordance with the latest edition of "Guidelines Establishing Test Procedures for Analysis of Pollutants" promulgated by the United States Environmental Protection Agency.

All chemical analyses shall be conducted at a laboratory certified for such analysis by the State Department of Health Services, Environmental Laboratory Accreditation Program (ELAP), or approved by the Executive Officer.

POLA shall calibrate and perform maintenance procedures on all monitoring instruments and equipment to insure accuracy of measurements, or shall insure that both activities will be conducted by third parties under POLA supervision.

A grab sample is defined as an individual sample collected in fewer than 15 minutes.

All samples shall be representative of the waste discharge under normal operating conditions.

4. Reporting

Monitoring reports shall be submitted within 10 days following each weekly sampling period. In reporting, POLA shall arrange the monitoring data in tabular form so that dates, time, parameters, test data, and observations are readily discernible. The data shall be summarized to demonstrate compliance with the waste discharge requirements. A final report, summarizing the results of the weekly monitoring and reporting the total volume discharged, shall be submitted within one month of completion of the project.

Each monitoring report shall contain a separate section titled "Summary of Non-Compliance" which discusses the compliance record and corrective actions taken or planned that may be needed to bring the discharge into full compliance with waste discharge requirements. This section shall clearly list all non-compliance with waste discharge requirements, as well as all excursions of effluent limitations.

Each monitoring report must affirm in writing that:

All analyses were conducted at a laboratory certified for such analyses by the Department of Health Services or approved by the Executive Officer and in accordance with current EPA guidelines or as specified in the Monitoring Program.

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For any analysis performed for which no procedure is specified in the EPA guidelines or in the Monitoring Program, the constituent or parameter analyzed and the method or procedure used must be specified in the report.

5. General Provisions for Reporting

For every item where the requirements are not met, POLA shall submit a statement of the actions undertaken or proposed which will bring the discharge into full compliance with requirements at the earliest time and submit a timetable for correction.

Each report shall contain the following completed declaration:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted.

Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of a fine and imprisonment for knowing violations.

Executed on the _____ day of _____, 20____,
at _____.

_____(Signature)

_____(Title)"

These records and reports are public documents and shall be made available for inspection during business hours at the office of the California Regional Water Quality Control Board, Los Angeles Region.

Ordered by:

TRACY J. EGOSCUE
Executive Officer

Date: December 11, 2008

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